

1 John V. Picone III, Bar No. 187226
jpicone@hopkinscarley.com
2 Jeffrey M. Ratinoff, Bar No. 197241
jratinoff@hopkinscarley.com
3 HOPKINS & CARLEY
A Law Corporation
4 The Letitia Building
70 South First Street
5 San Jose, CA 95113-2406

6 ***mailing address:***

P.O. Box 1469
7 San Jose, CA 95109-1469
Telephone: (408) 286-9800
8 Facsimile: (408) 998-4790

9 Attorneys for Plaintiffs
NEO4J, INC. and NEO4J SWEDEN AB
10

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 NEO4J, INC., a Delaware corporation, and
14 NEO4J SWEDEN AB, a Swedish
corporation,

15 Plaintiffs,

16 v.

17 GRAPH FOUNDATION, INC., an Ohio
corporation, GRAPHGRID, INC., an Ohio
18 corporation, and ATOMRAIN INC., a
Nevada corporation,
19

20 Defendants.

CASE NO. 5:19-cv-06226-EJD

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND BRIEFING
DEADLINES ON MOTION TO STRIKE**

STIPULATION

Pursuant to Civ. L.R. 6-2, Plaintiffs Neo4j, Inc. (“Neo4j USA”) and Neo4j Sweden AB (collectively “Plaintiffs”) and Defendant Graph Foundation, Inc. (“GFI”), by and through their counsel of record, hereby stipulate as to the timing for Neo4j USA to file a Motion to Strike as to GFI’s Answer to Amended Complaint [Dkt. No. 90], as follows:

WHEREAS, Plaintiffs filed their First Amended Complaint on July 16, 2020 [Dkt. No. 65].

WHEREAS, the Court issued its Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss Plaintiffs’ First Amended Complaint on November 13, 2020 [Dkt. No. 88].

WHEREAS, GFI filed its Answer to the First Amended Complaint on November 30, 2020 [Dkt. 91].

WHEREAS, Plaintiffs intend to file a Motion to Strike GFI’s Answer at least to the Fifth Affirmative Defense for the Addition of the Commons Clause is a Breach of the AGPL.

WHEREAS, the deadline for Plaintiffs to file their Motion to Strike is currently December 21, 2020.

WHEREAS, Plaintiffs have reserved February 11, 2021 with the Court as the hearing on the Motion to Strike.

WHEREAS, the parties have agreed that Plaintiffs deadline to file the motion shall be extended to January 7, 2021, which will still meet the Court’s 35-day minimum notice requirement under Local Rule 7-2(a).

WHEREAS, the parties have further agreed that their respective remaining briefs will be filed pursuant to Civil Local Rules 7-3(a) and 7-3(c).

IT IS HEREBY STIPULATED THAT:

1. The deadline for Plaintiffs to file a Motion to Strike the GFI’s Answer to the First Amended Complaint is January 7, 2021.

2. The deadline for GFI to file its opposition to the Motion to Strike is January 21, 2021.

3. The deadline for Plaintiffs to file a reply in support of their Motion to Strike is January 28, 2021.

1 4. The hearing on Plaintiffs' Motion to Strike shall be held before the Court on
2 February 11, 2020 at 9:00 a.m.

3 Dated: December 15, 2020

HOPKINS & CARLEY
A Law Corporation

5 By: /s/ Jeffrey M. Ratinoff

6 John V. Picone III
7 Jeffrey M. Ratinoff
Attorneys for Plaintiffs
NEO4J, INC. AND NEO4J SWEDEN AB

8 Dated: December 15, 2020

BERGESON, LLP

10 By: /s/ John D. Pernick

11 John D. Pernick
12 Attorneys for Defendant
GRAPH FOUNDATION, INC.

13
14 **IT IS SO ORDERED.**

15
16 Dated: _____

17 EDWARD J. DAVILA
United States District Court Judge

FILER'S ATTESTATION

I, Jeffrey M. Ratinoff, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1(i)(3), I hereby attest that all signatories hereto concur in this filing.

Dated: December 15, 2020

HOPKINS & CARLEY
A Law Corporation

By: /s/ Jeffrey M. Ratinoff
Jeffrey M. Ratinoff
Attorneys for Plaintiffs
NEO4J, INC. and NEO4J SWEDEN AB